New York etc. R. R., supra. Whether or not employees can in the absence of actual knowledge, be charged with knowledge of, and therefore consent to, the terms of such a contract, is not settled. HUTCHINSON, CARRIERS, § 1018, and cases there cited. The better reasoning seems to support the view adopted in the principal case, that although the employee is charged with knowledge of the existence of a contract between his employer and the railroad, yet he may assume that his rights under it are fully protected as against the negligent acts of the railroad. *Chamberlain* v. *Pierson*, supra; *Brewer* v. *New York etc. R. R.*, supra; *Voight* v. *Baltimore etc. Ry.*, supra. The plaintiff's right of action was, therefore, dependent not upon the terms of the contract to which he was not a party and to which he did not consent, but upon the duty of the railroad to carry without negligent injury, all lawfully upon its trains.

COLLEGES—ENTRANCE DISCRIMINATIONS—MANDAMUS NOT REMEDY FOR REFUSING ADMISSION.—B and another, both negroes, after having completed the freshman year in the department of veterinary medicine and surgery at defendant college—a private institution organized under Mich. Comp. Laws. Chapter 218—and after having satisfactorily completed their work were refused admittance at the beginning of the second year because of their color. They brought mandamus proceedings against the college and obtained an order granting a writ. From this order respondent brings certiorari. *Held*, mandamus does not lie to compel a college to admit students whose right to admission depends upon an implied contract. *Booker et al.* v. *Grand Rapids Medical College*, (1909), — Mich. —, 120 N. W. 589.

It is the general rule that mandamus does not lie to compel a private corporation to perform its obligations resting in contract with an individual. *State ex rel. Poyser* v. *Trustees Salem Church*, 114 Ind. 396, 16 N. E. 811; *State ex rel. Rosenfeld* v. *Einstein*, 46 N. J. Law 479; HIGH, EXTRAORDINARY LEGAL REMEDIES, Ed. 3, p. 25; *Cook* v. *College of Physicians and Surgeons*, 72 Ky. 541; *State ex rel. Burg* v. *Milwaukee Medical College*, 128 Wis. 7, 106 N. W. 116. Private institutions of learning though incorporated, may select those whom they will receive, and may discriminate by sex, age, proficiency in learning and otherwise. *State* v. *Md. Inst. for Promotion Mechanic Arts*, 87 Md. 643, 41 Atl. 126. Refusal of a college to admit negro students does not deny them any constitutional immunity or privilege. *State* v. *Md. Inst. for Promotion Mechanic Arts*, supra. Relators rights here were based on an implied contract with defendant and their remedy for its breach was an action at law for damages.

CONSTITUTIONAL LAW—ALIENS—KEEPING FOR IMMORAL PURPOSES.—Defendants, residents of Chicago, were indicted for violation of § 3 of the act of Congress of February 20, 1907 (34 Stat. at L. 898, 899, chap. 1134, U. S. Comp. Stat. Supp. 1907, pp. 389, 392), entitled "An Act to Regulate the Immigration of Aliens into the United States." The charge against the defendants was based upon that portion of the act which made it a felony